

## REMARKS/ARGUMENTS

In the Office Action mailed November 2, 2007, claims 1-6, 9-11, 13, and 14 were rejected. Additionally, claims 7 and 8 were objected to. In response, Applicants hereby request reconsideration of the application in view of the below-provided remarks. No claims are amended, added, or canceled.

As a preliminary matter, while the Office Action provides a statement of reasons for the indication of allowable subject matter, the Office Action's statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicants note that the Office Action's comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

### Claim Rejections under 35 U.S.C. 102 and 103

Claims 1-3, 9, and 13-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shore (U.S. Pat. No. 5,574,902, hereinafter Shore) in view of Lin (U.S. Pat. No. 5,983,084, hereinafter Lin). Additionally, claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shore as modified by Lin and further in view of Hunter (U.S. Pat. No. 2,824,170, hereinafter Hunter). Additionally, claims 10 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shore as modified by Lin and further in view of Melbourne (U.S. Pat. No. 6,774,787, hereinafter Melbourne). However, Applicants respectfully submit that these claims are patentable over Shore, Lin, Hunter, and Melbourne for the reasons provided below.

### Independent Claim 1

Claim 1 recites "a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of the first inductor and the second inductor being variable during operation of the receiver for aligning the receiver" (emphasis added).

In contrast, the combination of cited references does not teach an inductor which is variable during operation of a receiver. The Office Action relies on Shore as

purportedly teaching a variable inductor, and does not assert that any other references might teach a variable inductor. However, Shore does not teach a variable inductor, despite the assertions in the Office Action.

While Shore teaches several different inductors, none of the described inductors is a variable inductor. The inductor L1, which is used to advance phase of the RF signal, is described as having a specific inductance of 33 nH. Shore, col. 3, lines 60-62. Similarly, the inductor L20, which is used to set the oscillation of the quench oscillator, is described as having a specific inductance of 220 nH. Since these inductors have specific inductance values, these inductors are not variable inductors.

Although Shore also describes a potential range of inductance values for some of the inductors L22, L40, and L42, Shore does not describe any of these inductors as being variable inductors. Shore merely describes selecting an inductor, having a specific inductance value within the specified range of values, for use in the described circuits. In other words, Shore describes the ability to use an inductor with a specific, non-variable inductance value, even though another instance of the same circuit arrangement may use an inductor with another specific, non-variable inductance value. More specifically, Shore does not describe any of the inductors as being capable of changing its own inductance value. Therefore, shore does not describe a variable inductor, as recited in claim.

Moreover, Shore does not describe an inductor being variable during operation of a receiver. Even if the circuit arrangements in Shore potentially allow independent implementations to have different inductance values, Shore nevertheless does not describe any functionality to change, or vary, an inductance value of an inductor during operation of the corresponding circuit arrangement. To compensate for this lack of teaching by Shore, the Office Action asserts an unsupported conclusion that inductor L22 should have variable values for tuning the circuit during operation of the receiver circuit. However, this assertion is not supported by the disclosure of Shore. In an attempt to bolster the unsupported conclusion that the inductor L22 should have variable inductance, the Office Action states that it would be obvious to tune a circuit during operation of the circuit. However, this argument merely employs impermissible hindsight because it relies on a motivation of the present application, without providing any other evidence of

disclosure in the prior references or evidence of common knowledge. Therefore, the assertion that it would be obvious to tune a circuit during the operation of the circuit improperly relies on the present application and cannot be used to support the proposed modification of the cited references.

For these reasons, Applicants submit that the rejection of claim 1 is improper least because the cited references do not teach all of the limitations of the claim. In particular, the cited references do not teach a variable inductor, as recited in claim. Additionally, as a separate basis for patentability, Applicants submit that the rejection of claim 1 is improper because the motivation to modify the cited references relies on impermissible hindsight to propose a modification to achieve functionality of the present application without providing any evidentiary support from the cited references or common knowledge at the time of the invention. Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited references.

#### Independent Claim 13

Applicants respectfully assert independent claim 13 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 13 recites “a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of these inductors being variable during operation of the receiver for aligning the receiver” (emphasis added).

Here, although the language of claim 13 differs from the language of claim 1, and the scope of claim 13 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 13. Accordingly, Applicants respectfully assert claim 13 is patentable over the combination of cited references because Shore does not teach a variable inductor, as recited in claim, and the Office Action does not provide a proper motivation to a modify the references.

#### Independent Claim 14

Applicants respectfully assert independent claim 14 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 14 recites “a receiver amplifying-shaping circuit coupled to the receiver oscillating-filtering circuit via a receiver filtering circuit; with at least one of these inductors being variable during operation of the receiver for aligning the receiver” (emphasis added).

Here, although the language of claim 14 differs from the language of claim 1, and the scope of claim 14 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 14. Accordingly, Applicants respectfully assert claim 14 is patentable over the combination of cited references because shore does not teach a variable inductor, as recited in claim, and the Office Action does not provide a proper motivation to modify the references.

#### Dependent Claims

Claims 2-11 depend from and incorporate all of the limitations of independent claims 1. Applicants respectfully assert claims 2-11 are allowable based on an allowable base claim. Additionally, each of claims 2-11 may be allowable for further reasons to do.

## CONCLUSION

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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